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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/740,989	12/21/2000	Toru Suzuki	Q62213	5509

7590 06/30/2004

SUGHRUE, MION, ZINN, MACPEACK & SEAS, PLLC
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EXAMINER

MAGEE, CHRISTOPHER R

ART UNIT PAPER NUMBER

2653

12

DATE MAILED: 06/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/740,989

Applicant(s)

SUZUKI ET AL.

Examiner

Christopher R. Magee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-15 is/are pending in the application.
- 4a) Of the above claim(s) 5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6 and 8-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The reply filed 12 April 2004 was applied to the following effect: All relevant objections are withdrawn as being satisfied.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 6 and 11-15 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Sanyo Electric Co. (Figures 16 to 19 and Figures 23 to 27) (DE 197 53 690 A1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanyo Electric Co. (Figures 16 to 19 and Figures 23 to 27) (DE 197 53 690 A1) as applied to claims 1-4 above.

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- Regarding claims 8-10, Sanyo Electric shows all the features except a width of a part of said carriage chassis in the recording medium loading direction is smaller than a width of said pickup in the recording medium loading direction, and a part of the recording medium accommodated in said recording medium accommodation unit is situated in an area formed by setting the width of a part of said carriage chassis smaller than the width of said pickup.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to change the shape of the carriage chassis so that the width of a part of the carriage chassis is smaller than a width of the pickup in the recording medium loading direction and a part of the recording medium accommodated in said recording medium accommodation unit is situated in an area formed by setting the width of a part of said carriage chassis smaller than the width of said pickup.

The rationale is as follows: One of ordinary skill in the art at the time of the invention would have been motivated to change the shape of the carriage chassis as noted above because the shape change is anything more than one of numerous configurations a person of ordinary skill in the art would find obvious. *In re Dailey*, 149 USPQ 47 (CCPA 1976).

Response to Arguments

4. Applicant's arguments filed 12 April 2004 have been fully considered but they are not persuasive.

- Applicant asserts on page 11:

"The Examiner asserts that Sanyo 'clearly anticipate[s]' claim 1 without corresponding the elements of claim 1 to the disclosure in Figures 16-19 and 23-27 of Sanyo. However, looking at Sanyo, it becomes clear that Sanyo fails to teach or suggest at least the above described element of claim 1. Looking at

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Figures 16-17 and 26, it is clear that the pickup 56 is not situated on a vertical tangential plane as recited in claim 1. For example, as shown in Figures 16 and 26, the pickup 56 is setback, i.e., towards the back of the disk player as defined in Figure 16, and away from a line tangent to a circumferential edge of a disk 12 on the carriage chassis side. Accordingly, Applicants respectfully submit that claim 1 is patentable over Sanyo."

The Examiner maintains Sanyo '690 shows the pickup 56 is situated on a vertical tangential plane, which is tangent to the outer circumferential edge of the recording medium as recited in claims 1, 6 and 11 (see Examiner noted Figure 16).

Therefore, the rejection of claims 1, 6 and 11 is upheld.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Magee whose telephone number is (703) 605-4256. The examiner can normally be reached on M-F, 8: 00 am-5: 30 pm.

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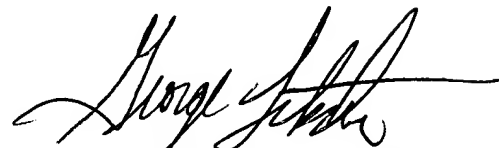
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (703) 305-6137. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Christopher R. Magee
Patent Examiner
Art Unit 2653

June 25, 2004



GEORGE J. LETSCHER
PRIMARY EXAMINER

Fig. 16

